

## Chapter 1429. Planned Development Districts

§ 1429-01.	SPECIFIC PURPOSES.....	223
§ 1429-03.	LAND USE REGULATIONS.....	223
§ 1429-05.	BASIC REQUIREMENTS.....	223
§ 1429-07.	ESTABLISHMENT OF DISTRICTS.....	224
§ 1429-09.	CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT.....	224
§ 1429-11.	CITY PLANNING COMMISSION AND COUNCIL ACTION.....	225
§ 1429-13.	FINAL DEVELOPMENT PLAN.....	226
§ 1429-15.	PLANNING COMMISSION APPROVAL OF FINAL DEVELOPMENT PLAN.....	227
§ 1429-17.	APPEALS.....	228
§ 1429-19.	LIMITATION ON FINAL PLAN IMPLEMENTATION.....	228
§ 1429-21.	FINAL DEVELOPMENT PLAN AMENDMENTS.....	229
§ 1429-23.	DELEGATION OF DUTIES.....	229

### § 1429-01. Specific Purposes.

In addition to the general purposes listed in Chapter 1400, General Provisions and Rules of Measurement, the specific purposes of the PD Planned Development District are to:

- (a) Establish a procedure for the development of land in order to allow for a more efficient and economic development of property than ordinarily permitted by conventional zoning and subdivision regulations.
- (b) Ensure orderly and thorough planning and review procedures that lead to quality design and development.
- (c) Encourage creativity in developments by allowing greater flexibility in access, light, open space and amenities.
- (d) Encourage common open space and provide for its maintenance.
- (e) Encourage the coordinated development of properties that might otherwise be developed individually, which may be a detriment to the surrounding neighborhoods and the developer.

### § 1429-03. Land Use Regulations.

Any use authorized by this Cincinnati Zoning Code may be permitted in any specific PD District and located and conducted in accordance with the applicable regulations adopted pursuant to this Chapter to govern each specific PD District.

### § 1429-05. Basic Requirements.

PD Districts and development within PD Districts must comply with the following:

- (a) **Minimum Area.** The minimum area of a PD District is two contiguous acres. Council may approve a PD District that contains less than the

minimum acreage required for an area on an affirmative recommendation of the City Planning Commission, finding that special site characteristics exist and the proposed land uses justify development of the property as a PD.

- (b) **Ownership.** Evidence that the applicant has sufficient control over the tract of land to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.
- (c) **Building for Every Lot.** More than one building is permitted on a lot.
- (d) **Historic Landmarks and Districts.** Whenever a Planned Development application is filed for a property wholly or partially located within a historic landmark or district, the Historic Conservation Board has the duty to exercise the authority granted to the City Planning Commission relating to approval of the Final Development Plan.

#### **§ 1429-07. Establishment of Districts.**

PD districts may be established, modified or removed from the zoning map and the regulations applicable to any specific PD District may be established, modified or deleted as an amendment to the zoning map. A PD District is identified on the zoning map with the letter coding "PD" followed by a specific reference number identifying each separate district. All use regulations, Planned Development Plans, development schedules and other regulatory provisions adopted pursuant to this chapter that apply to any specific PD District, are part of the Cincinnati Zoning Code as if fully set forth in the Cincinnati Zoning Code and identified by reference to the corresponding designation of each specific PD District on the zoning map.

#### **§ 1429-09. Concept Plan and Development Program Statement.**

A petition to rezone property to a PD District must have a concept plan and development program statement included. The purpose of the concept plan and development program statement is to describe the proposed use or uses to be conducted in the PD District, including regulations governing permitted uses, conditional uses, site use and development, off-street parking and loading requirements and other special regulations that may be appropriate to govern development, use and maintenance of the site or sites included within the PD District. Applicants are encouraged to engage in informal consultations with the Department of Community Development and Planning staff prior to preparing plans; however, no statement or representation by staff is binding on either the department or the City Planning Commission. The concept plan and development program statement must include a text and diagram or diagrams that specify:

- (a) **Plan Elements.** A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines

and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.

- (b) **Ownership.** Evidence that the applicant has sufficient control over the tract of land to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.
- (c) **Schedule.** Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.
- (d) **Preliminary Reviews.** A preliminary review of geo-technical, sewage, water, drainage and refuse collection.
- (e) **Density and Open Space.** Calculations of density and open space area.
- (f) **Other Information.** Any other information requested by the Director of Community Development and Planning or the City Planning Commission.

## **§ 1429-11. City Planning Commission and Council Action.**

The City Planning Commission has the duty to consider an application for reclassification to a PD District as an amendment to the zoning map and to consider at the same time the proposed concept plan and development program statement. A Commission recommendation to reclassify to a PD District must be accompanied by an approval or a conditional approval of a concept plan and a development program statement.

- (a) **City Planning Commission Action.** The City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District as the Commission deems necessary for the protection of the public interest and to secure compliance with the development program statement, on finding that all of the following circumstances apply:
  - (1) The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;
  - (2) The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;

- (3) Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement; and
  - (4) The PD concept plan and development program statement includes adequate provisions for utility services and refuse collection.
- (b) **Council Action.** Council has the duty to consider the recommendation of the City Planning Commission in the same manner as a proposal to amend the zone map.
- (c) **Lapse of Approvals.** Approval of a concept plan and development program statement lapses two years from its effective date unless:
  - (1) A final development plan has been approved, or
  - (2) The City Planning Commission has approved an extension of time that may not exceed one year.

If an approval of a concept plan and development program lapses, the PD District designation is to be removed from the zoning map and the zoning of the PD District reverts to the zoning district designation in effect immediately before the PD designation.

## **§ 1429-13. Final Development Plan.**

Following approval of a PD District with a concept plan and development program statement, a final development plan must be submitted to the City Planning Commission. A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan has to conform substantially to the approved concept plan and Development Program Statement. The final development plan must include in text and map form:

- (a) **Survey.** Plan or survey of the parcel to be developed showing existing and proposed physical features, including: topography, drainage, open space areas and landscaping; and streets, easements and utility lines.
- (b) **Site Plan.** A site plan showing the location and arrangement of all existing and proposed structures, including building pads, the proposed internal and external traffic circulation pattern, the areas to be developed for parking, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways and proposed public or common open space or other public facilities.

- (c) **Engineering Plans.** Engineering plans, including: site grading; street improvements; drainage and utility improvements and extensions as necessary.
- (d) **Open Space.** A statement of the anticipated open space, gross density and net density.
- (e) **Schematic Building Plans.** Plans showing building footprints, schematic floor plans and exterior elevations and types of building materials.
- (f) **Landscape Plans.** Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species and quantities.
- (g) **Phase Schedule.** A schedule for the development of such phases must be submitted when a development is to be constructed in phases.
- (h) **Ownership.** Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.
- (i) **Statement of Uses.** A statement identifying the principal uses that are to be included in the proposed development.
- (j) **Future Ownership and Control.** Statement on the present and future ownership and control of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, drives, parking areas, utilities, common areas and common facilities.
- (k) **Restrictive Covenants.** Copies of any restrictive covenants that are to be recorded with respect to property included in the PD District.
- (l) **Other Information.** Any other information requested by the Community Development and Planning Director or the City Planning Commission as deemed necessary.

#### **§ 1429-15. Planning Commission Approval of Final Development Plan.**

The City Planning Commission may approve a final development plan for a development in a PD District on consideration of the following:

- (a) **Consistency.** The final development plan is consistent with the purpose of the Planned Development District Regulations;
- (b) **Adequate Streets.** The existing and proposed internal and external streets are adequate to serve the proposed development and properly interconnect with the surrounding existing road network;

- (c) **Adequate Infrastructure.** The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities;
- (d) **Covenant.** The Department of Buildings and Inspections must require covenants by the owner of the property in a form acceptable to the City Solicitor to be recorded indicating that the open spaces, parking areas, walks and drives as shown on the plan may not be used for any other purpose. The owner must further covenant that all streets, common areas, common utilities and other common facilities remain in common ownership by all owners of any interest in the land or buildings in the Planned Development other than a leasehold interest of less than five years. (See § 1441-07).
- (e) **Release of Covenants.** The City Manager, on receipt of a recommendation from the Director of Building and Inspections, may recommend the covenant be terminated in the following instances: the particular use requiring a covenant is no longer necessary and the building permits have been terminated, or the condition or conditions requiring such covenant are no longer applicable.
- (f) **Compatibility.** The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses;
- (g) **Sufficiency of Legal Documents.** Proposed covenants, easements and other provisions meet development standards; and
- (h) **Sufficiency of Provisions for Maintenance of Common Areas.** Open space and common areas are identified and provisions have been made for the care and maintenance of such areas.

## **§ 1429-17. Appeals.**

The City Planning Commission's denial of a request for renewal or revision of a final development plan or approval of a final development plan is subject to appeal to Council pursuant to § 111-3 of the Municipal Code.

## **§ 1429-19 Limitation on Final Plan Implementation.**

Final development plans are subject to the following:

- (a) **Expiration.** A final development plan is effective on the date approved by the City Planning Commission and expires after two years unless a building permit has been issued and construction diligently pursued. An approved final development plan may specify a development staging program exceeding two years.

- (b) **Renewal.** The City Planning Commission may renew a final development plan for one year subject to a reevaluation of conditions of approval as specified in the decision or renewal application, if it finds the renewal consistent with the purposes of this chapter. Application for renewal must be made in writing to the Director of Community Development and Planning not less than 30 days nor more than 120 days prior to expiration.
- (c) **Reversion to Prior Zoning.** If a building permit has not been issued and construction diligently pursued, or a renewal approved within two years of the effective date of approval by the City Planning Commission, the PD District designation is to be removed from the zoning map and the zoning of the PD District revert to the zoning district designation in effect immediately before the PD designation.

## **§ 1429-21. Final Development Plan Amendments.**

Final development plans may be amended as follows:

- (a) **Minor Amendments.** The City Planning Commission may authorize minor adjustments in the final development plan that become necessary because of field conditions, detailed engineering data, topography or critical design criteria. More specifically, the City Planning Commission may authorize the Community Development and Planning Director to approve these minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and to substitute landscape materials in light of technical or engineering considerations. The Community Development and Planning Director may also authorize structural dimensional changes provided that they do not increase building heights by more than 15 feet, floor area by more than five percent, decrease the number of parking spaces by more than ten percent or allow buildings closer to perimeter property lines.
- (b) **Major Amendments.** Amendments to any final development plan other than a minor amendment may be approved only by the City Planning Commission, provided, however, that the City Planning Commission determines that such adjustments do not substantially alter the concept or intent of the approved final development plan. Amendments that change the uses allowed or materially change the density of the development require approval of Council as a zoning map amendment.

## **§ 1429-23. Delegation of Duties.**

The Director of Community Development and Planning may designate a person to perform the duties imposed on the director by this chapter if the director would have a conflict of interest or appearance thereof or if such appointment is necessary for the efficient operation of the department.